

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21687 of 2014

Arising Out of PS.Case No. -71 Year- 2010 Thana -BIHIYA District- BHOJPUR

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Ashok Kumar Mishra, son of Late Rambilas Mishra, resident of Raja Bajaz, P.O. Bihaiya, P.S. Bihiya, Distt. - Bhojpur

.... Petitioner

Versus

1. The State of Bihar
2. Priti Kumari D/o Dinesh Prasad, W/o Rajiv Ranjan , resident of Shri Krishna Nagar, House No. 1, Road No. 1, Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey

For the Opposite Party/s : Mr. Md. Sufiyan(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 12-08-2016 Heard Sri Brisketu Sharan Pandey, learned counsel

for the petitioner and Mr. Md. Sufiyan, learned Addl. Public

Prosecutor.

The sole petitioner has approached this Court, invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 20.03.2014 passed by the learned Judicial Magistrate, 1st Class, Ara(Bhojpur) in Bihiya(Bhojpur) P.S. Case No.71/2010, G.R. No.1212/2010 , registered for the offence under Sections 419, 420 of the Indian Penal Code and Sections 63, 64, 47 of the Copyright Act, 1957. By the said order, the learned Magistrate has rejected the petition for discharge filed on behalf of the petitioner.

Learned counsel for the petitioner tried to persuade the Court that no offence under the Copyright Act is made out. The case has been instituted under the Copyright Act besides sections 419 and 420 of the Indian Penal Code. He further submits that during investigation the informant has not made any statement before the police. On the aforesaid ground, a prayer has been made for quashing the impugned order.

Learned Addl. Public Prosecutor, by way of referring to the impugned order, submits that in the case diary, there were sufficient material against the petitioner and, as such, the learned Magistrate has referred to number of paragraphs of the case diary.

Apparently, in the impugned order, I do not find any error warranting interference. The petition stands dismissed.

Keeping in view the fact that F.I.R. was lodged in the year 2010, while dismissing the present petition, it is desirable to observe that the learned trial court may take appropriate steps , so that the case may come to its logical end without unnecessary delay.

(Rakesh Kumar, J)

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